

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

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|----------------------------------|---|--------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 07-5056-01-CR-SW-GAF |
| |) | |
| PERRY LEE NUGENT, |) | |
| |) | |
| Defendant. |) | |

ORDER

Now pending before the Court is Defendant's Motion to Dismiss the Indictment (Doc. #25). Defendant has been charged in this district with traveling in interstate commerce and knowingly failing to register or update a registration as required by the Sex Offender Registration and Notification Act ("SORNA"), in violation of 18 U.S.C. § 2250(a). Defendant has moved to dismiss the indictment on the grounds that: (1) SORNA is inapplicable to him; (2) applying SORNA in his case violates the *Ex Post Facto* Clause; (3) SORNA is an unconstitutional delegation of authority; (4) applying SORNA to him violates the Due Process Clause of the Fifth Amendment; and (5) SORNA lacks a jurisdictional nexus under the Commerce Clause.

On January 24, 2008, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #37). On February 1, 2008, Defendant's Objections to the Report and Recommendation of the Chief United States Magistrate (Doc. #38) were filed.

Upon careful and independent review of the pending motion, Defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief

United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Defendant's to Dismiss the Indictment (Doc. #25) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: February 13, 2008